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NO: 07-1117

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IN THE
Supreme Court of the United States

ROBERT THOMAS,
Petitioner,

V.

TRICO PRODUCT CORPORATION, *ET AL.*,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

PETITION FOR REHEARING

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TABLE OF CONTENTS

INTRODUCTION.....P 1

I. There are already other cases developing in this country regarding whether a person can be coerced by a Judge by ordering to incarcerate him until he signs consent on the application for a passport of his minor child, and this Court should rehear this matter since the answer to this question is of much important to the public.----------P.2

II. This Court should Rehear this matter also for the reason that there is Conspiracy and abuse of official power and racial profiling involved in this case. ----------P. 4

CONCLUSION----------P. 7

CERTIFICATE OF PRO SE PETITIONER------P.8

TABLE OF AUTHORITIES

CASES

1. Eagles v. United States, 329 U.S.304, 315 (1946)----------P. 3

2. *Cerqueira v. American Airlines, Inc* 502 F. 3d 1(2008, 1st Cir.)----------P.5

3. *United States* v. *Morrison*, 529 U.S. 598, 607 (2000)----------P. 6

4. *Reno* v. *Condon*, 528 U.S. 141, 147 (2000)----------P. 6

5. *Union Pac. Ry. Co.* v. *United States*, 99 U.S. (9 Otto) 700, 718 (1878)-------P. 6

6. *Joint Anti-Fascist Refugee Committee* v.

McGrath, 341 U.S. 123, 164 (1951)----------....-P.6

7. *Rostker*v. *Goldberg*, 453 U.S. 57, 64 (1981).----------P.6

8. *Morrison*, 529 U.S. at 607---------P. 6

RULES AND STATUES

1. Rule 44.2----------P.1

2. 16 Am. Jur. 2D *Conspiracy* § 50 (1998)----------P.2

3. 14th Amendment

MISSELLANEOUS

1. Supreme Court Practice, 7th ed., Stern, Gressman, Shapiro & Geller, 6,7 n.22 (BNA 1993) (quoting Justice Rehnquist from Sunshine in the Third Branch, 16 Washburn L. Rev. 559, 559-60 n.1 (1977), and Justice Powell, What Really Goes On at the Supreme Court, 66 A.B.A.J. 721.722 (1980).-------P. 4

PETITION FOR REHEARING

On June 5, 2008 Petitioner (hereinafter mentioned as Thomas) received a letter from Honorable clerk of this Court, William K. Sutter that this Court has entered an order on June 2, 2008, denying Thomas' petition for writ of Certiorari (No. 07-1117).

Pursuant to Rule 44.2, Thomas respectfully petitions this Court for rehearing.

ARGUMENTS AND AUTHORITIES

I. There are already other cases developing in this country regarding whether a person can be coerced by a Judge by ordering to incarcerate him until he signs consent on the application for a passport of his minor child, and this Court should rehear this matter since the answer to this question is of much important to the public

Before the denial of Thomas' petition for writ of certiorari, a Lawyer from Florida has informed Thomas that a Judge in Florida is also trying to compel his client to sign consent on the passport application of a minor child. He also informed Thomas that he also could not find any supporting case laws regarding this matter. Now this Court may see that if this Court does not answer Thomas' question, many lower courts will think that they can force a person to sign consent, which will violate citizens constitutional rights. Since this Court has the Supreme authority to conserve the citizen's

rights it should rehear Thomas' case.

II. This Court should Rehear this matter also for the reason that there is Conspiracy, abuse of official power and racial profiling involved in this case.

The necessary elements of civil conspiracy are: (1) an agreement between two or more persons to commit an unlawful or tortious act (or a lawful act in an unlawful manner); (2) an overt tortious act committed in furtherance of the agreement; and (3) an injury caused by the unlawful or tortious act performed by one of the conspirators. *See, e.g.*, 16 Am. Jur. 2D *Conspiracy* § 50 (1998).

All these elements are present in this case. Evidence in this case shows that all the Courts and the respondents had only one aim. Deny Thomas any relief, which he was entitled. They used unlawful methods for this.

Respondents Trico, Gates and Tomkins plc are multi billion dollar companies and they have lots of money to spare. Evidence in this case shows that from the beginning itself the opposing counsels were communicating ex-parte with the Judge (R1792-1793). The District Court then did a favor to them by first ruling that the attendance records of Thomas or other employees were not relevant and denied discovery on that. But when Thomas filed his response to the motion for summary Judgment, the Judge saw that Thomas has several years experience and then the Judge simply sided with the respondents and ruled that Thomas was not better

qualified because of his attendance problems. She completely ignored Thomas' arguments regarding respondents' false explanations or his true qualifications.

After Thomas filed his appeal in the 5th Circuit, this Court may see that the 5th Circuit also simply sided with the respondents and did not even consider the false explanations of respondents or the evidence brought by Thomas. All the Courts in this case, made such a one sided ruling against Thomas, it is very clear that the respondents have conspired and influenced the employees of the courts. Thomas strongly believe that the Justices may not even have seen his case.

Finally when Thomas filed his petition for writ of certiorari respondents first stated that they want to file the response and extended the time to file the response for one month. So this clearly indicated that, Thomas' petition was highly meritorious. Since this Court could deny a petition without giving any opinion, the respondents took advantage of that situation. Even though it is unknown what has happened during the one month period, respondents did not spend any time for preparing their response, but instead they might have used the time to influence the employees and then they decided not to respond. So it is most likely that some one has assured them that the petition will be denied.

The public has no ability to know what is really happening at the conference which decides about the petition. Looking at the past evidence from this case, Thomas strongly believe that, the Justices may not even may have seen this case

"Secrecy and anonymity are not congenial to our tradition of procedure...". Eagles v. United States,

329 U.S. 304'315 (1946). In this case, someone unknown to Petitioner or the public denied rights and remedies that involve the highest possible considerations of the Judicial Branch by a "private conference" that was confidential." Supreme Court Practice, 7th ed., Stern, Gressman, Shapiro & Geller, 6,7 n.22 (BNA 1993) (quoting Justice Rehnquist from Sunshine in the Third Branch, 16 Washburn L. Rev. 559, 559-60 n.1 (1977), and Justice Powell, What Really Goes On at the Supreme Court, 66 A.B.A.J. 721.722 (1980).

Since the horrific events of September 11, our nation has witnessed an alarming rise in incidents of discrimination against Arab and Muslim Americans and against persons perceived to be Arab or Muslim. Now there are cases developed in this country which makes serious doubt whether the promise of equal protection embodied in federal and state anti-discrimination laws have become a meaningless guarantee for persons perceived to be Arab or Muslim. In response to this troubling backlash, President Bush, in his first address to Congress following the attacks, felt compelled to declare that "no one should be singled out for unfair treatment or unkind words because of their background or religious faith." Attorney General Ashcroft was equally adamant in proclaiming, just days after the attacks, that "we must not descend to the level of those who perpetrated Tuesday's violence by targeting individuals based on their race, their religion, [or] their

national origin."

Records in this case shows (R1552 and R1581) in Thomas' divorce case, the opposing counsel insulted Thomas in front of the Judge by comparing him to 'Taliban' But the Judge did not take any action against the lawyer. In Trico the Employees and the Supervisors called Thomas "Gandhi". When Thomas was arrested and incarcerated for not signing consent, a fellow employee (Cuauhtémoc Garcia) also was arrested. But he was released immediately. His affidavit shows that, he was arrested because the court officials thought that he is also from India like Thomas (R1601). So there we can see an evidence of racial profiling by the court.

In Cerqueira v. American Airlines, Inc 502 F.3d 1(2008, 1st Cir.), Mr. Cerqueira was removed from the plane, because he appeared like an Arab or Muslim, like the terrorist. But infact he was a Portuguese. Even after he passed police clearance, the American Airlines refused to book him and he has to fly with another plane. The jury found that The American Airlines intentionally discriminated Cerqueria because of his race and gave verdict in favor of him. But to everyone's surprise the the Court of Appeals for the 1st Circuit not only vacated the case, but also they made an opinion saying that racial profiling is allowed for security reasons. Thomas also believe that he is a victim of Racial profiling by the courts. He had tons of evidence against the respondents, but all the Courts refused to look at

this, which is against the 14th Amendment. The Congress brought the 14th Amendment mainly to eliminate racial discrimination in this Country.

It is well-established that Congressional legislation is entitled to a strong presumption of constitutionality. See *United States* v. *Morrison*, 529 U.S. 598, 607 (2000); *Reno* v. *Condon*, 528 U.S. 141, 147 (2000); *Union Pac. Ry. Co.* v. *United States*, 99 U.S. (9 Otto) 700, 718 (1878) ("Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown beyond a rational doubt."). "The Congress is a coequal branch of government whose Members take the same oath [judges] do to uphold the Constitution of the United States. As Justice Frankfurter noted in *Joint Anti-Fascist Refugee Committee* v. *McGrath*, 341 U.S. 123, 164 (1951) (concurring opinion), we must have 'due regard to the fact that this Court is not exercising a primary judgment but is sitting in judgment upon those who also have taken the oath to observe the Constitution and who have the responsibility for carrying on government.'" *Rostker* v. *Goldberg*, 453 U.S. 57, 64 (1981). Thus, a court should declare a statute beyond Congress's authority "only upon a *plain showing* that Congress has exceeded its constitutional bounds." *Morrison*, 529 U.S. at 607 (emphasis added). Therefore Thomas deserves equal protection and justice and this Court should respect the 14th Amendment and should

hear Thomas' side of the story.

Any reasonable person who reads Thomas' petition will agree that Thomas' questions should be answered and the case should be reviewed by this Court. Thomas is been deprived of his rights and he is been seriously injured mentally and financially by this. In the interest of justice, and public interest this court should rehear Thomas' case and grant the petition for writ of certiorari.

CONCLUSION

For the foregoing reasons, Thomas respectfully ask this Court to grant his petition for rehearing.

Respectfully Submitted



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June 26, 2008.

CERTIFICATE OF PETITIONER

Undersigned pro se petitioner certifies that his petition for rehearing is restricted to the grounds specified in the Rule 44.2 and the petition is presented in good faith and not for the purpose of delay.



Robert Thomas, pro se